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13 HOFFMANN-LA ROCHE INC. [erroneously sued
14 as F. Hoffmann-La Roche, Inc.] and
15 GENENTECH, INC.

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 ANDREW SHEETS, an individual,
19 KRISTINE SHEETS, an individual,

20 Plaintiffs,

21 v.

22 F. HOFFMAN-LA ROCHE LTD; F.
23 HOFFMAN-LA ROCHE, INC.;
24 GENENTECH, INC.; and DOES 1-100,

25 Defendants.

26 Case No. 3:18-cv-04565-JST

27 The Hon. Jon S. Tigar

28 **JOINT STIPULATION TO (1) RESET
HEARING DATES FOR MOTION TO
REMAND [ECF 10] AND MOTION TO
DISMISS [ECF 26]; AND (2) REVISE
BRIEFING SCHEDULE PURSUANT TO
FED. R. CIV. P. 6(b) AND CIVIL LOCAL
RULE 6-1(b)**

29 [Removal from Superior Court of the State of
30 California, County of Sonoma, Case No. SCV-
31 262710]

32 Action Filed: June 28, 2018

33 Case No. 3:18-cv-04565-JST

1 **I. MOTION TO REMAND**

2 WHEREAS, Plaintiffs Andrew Sheets and Kristie Sheets (“Plaintiffs”) timely filed a Notice
3 of Motion and Motion to Remand the Case Back to State Court (“Motion to Remand”) pursuant to
4 28 U.S.C. § 1447(c) on August 27, 2018 [ECF 10], with a hearing on the Motion to Remand initially
5 set for October 16, 2018;

6 WHEREAS, Defendants Hoffmann-La Roche Inc. and Genentech, Inc. (“Removing
7 Defendants,” and together with the Plaintiffs, the “Parties”) timely filed an opposition to the Motion
8 to Remand on September 25, 2018 [ECF 17];

9 WHEREAS, Plaintiffs reply brief in support of the Motion to Remand is currently due on
10 October 25, 2018 pursuant to a previous joint stipulation and order [ECF 24 & 25];

11 WHEREAS, the Motion to Remand is currently set to be heard November 8, 2018 pursuant
12 to a previous joint stipulation and order [ECF 24 & 25];

13 **II. MOTION TO DISMISS**

14 WHEREAS, Removing Defendants timely filed a Notice of Motion and Motion to Dismiss
15 and Strike (“Motion to Dismiss”) on October 9, 2018 [ECF 26], with a hearing on the Motion to
16 Dismiss set for December 13, 2018;

17 WHEREAS, Plaintiffs’ opposition to the Motion to Dismiss is currently due on October 23,
18 2018 pursuant to Civil L.R. 7-3(a);

19 WHEREAS, the Removing Defendants reply brief in support of the Motion to Dismiss is
20 currently due on October 30, 2018 pursuant to Civil L.R. 7-3(c);

21 **III. AUTHORITY**

22 WHEREAS, Federal Rule of Civil Procedure Rule 6(b) provides that “[w]hen an act may or
23 must be done within a specified time, the court may, for good cause, extend the time . . . if a request
24 is made, before the original time . . . expires”;

25 WHEREAS, Civil L.R. 6-1(b) provides that the Removing Defendants and Plaintiffs may
26 file a “request for a Court order enlarging... time...by written stipulation” where such extension
27 would alter a deadline already fixed by the Court;

28 ///

1 WHEREAS, the Moving Defendants schedule conflicts with the Motion to Remand hearing,
2 currently set for November 8, 2018;

3 WHEREAS, the Parties agree that it will be in their and the Court's best interest to
4 consolidate hearings on the Motion to Remand and the Motion to Dismiss on the same day;

5 WHEREAS, the Parties are both available on December 6, 2018 for hearings on the Motion
6 to Remand and Motion to Dismiss, and the Court appears to be available December 6, 2018 based
7 on a review of the Court's online calendar;

8 WHEREAS, the Parties agree to revise the briefing schedule according to the proposed new
9 hearing date for the Motion to Remand and Motion to Dismiss;

10 WHEREAS, the Parties hereby jointly agree and stipulate to modify the current briefing
11 schedule as follows:

	<u>Current Deadline</u>	<u>New Deadline</u>
<u>Motion to Remand</u>		
Plaintiffs' Reply	October 25, 2018	November 8, 2018
Hearing	November 8, 2018	December 6, 2018
<u>Motion to Dismiss</u>		
Plaintiffs' Opposition	October 23, 2018	November 8, 2018
Removing Defendants' Reply	October 30, 2018	November 22, 2018
Hearing	December 13, 2018	December 6, 2018

21 WHEREAS, with respect to the deadlines extended herein, each Party to this Joint
22 Stipulation agrees not to assert against any other Party to this Joint Stipulation any defense based
23 on the failure to meet an original deadline prescribed by Federal rule or statute, so long as the Parties
24 timely file the applicable motion or pleading within the deadlines prescribed herein;

25 WHEREAS, this stipulation is not intended to operate as an admission of any factual
26 allegation or legal conclusion and is submitted subject to and without waiver of any rights, defenses,
27 affirmative defenses, or objections, including without limitation, those related to personal
28 jurisdiction, service of process, or statute of limitations.

STIPULATION

2 **NOW, THEREFORE**, pursuant to Federal Rule Civil Procedure Rule 6(b) and Civil L.R.
3 6-1(b), the Parties hereby agree and stipulate, and request the Court revise the current briefing and
4 hearing schedule for Plaintiffs' Motion to Remand and the Removing Defendants' Motion to
5 Dismiss, as follows:

<u>Motion to Remand</u>	
Plaintiffs' Reply	November 8, 2018
Hearing	December 6, 2018 at 2:00pm
<u>Motion to Dismiss</u>	
Plaintiffs' Opposition	November 8, 2018
Removing Defendants' Reply	November 22, 2018
Hearing	December 6, 2018 at 2:00pm

The Parties additionally reserve all rights to seek further extensions as necessary.

IT IS SO STIPULATED.

Dated: October 12, 2018

/s/ Jesse Max Creed
Peter L. Kaufman, Esq.
Jesse Max Creed, Esq.
Attorneys for Plaintiffs
Andrews Sheets and Kristie Sheets

Dated: October 12, 2018

/s/ Alexander A. Guney
Michael F. Healy, Esq.
Emily M. Weissenberger, Esq.
Alexander A. Guney, Esq.
Attorneys for Defendants
Hoffmann-La Roche Inc. and
Genentech, Inc.

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PROPOSED ORDER
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PURSUANT TO STIPULATION, IT IS SO ORDERED.
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Dated: October 17, 2018
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JUDGE TIGAR

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ATTESTATION OF SIGNATURE
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Pursuant to Civil L.R. 5-1(i), the undersigned hereby attests that concurrence in the filing of
10 this document has been obtained from all signatories hereto.
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Dated: October 12, 2018
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/s/ Alexander Guney
15 Alexander Guney
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